

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

CIVIL ACTION NO. 1:11-cv-02365-KBF
CIVIL ACTION NO. 1:11-cv-02648-KBF

SAP AG and SAP AMERICA, INC.,

Plaintiffs,

v.

DATATERN, INC.,

Defendant.

**DEFENDANT DATATERN, INC.'S
NOTICE OF MOTION TO
SUPPLEMENT THE RECORD**

PLEASE TAKE NOTICE that upon the supporting Memorandum of Law filed herewith, defendant DataTern, Inc., by and through its attorneys, McCarter & English, LLP, will request this Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on such date and time specified by the Court, to permit DataTern to supplement the claim construction record with the complete deposition transcript of Neeraj Gupta under the rule of completeness, Fed. R. Evid. 106. DataTern further asks for such other and further relief as the Court deems just and proper.

PLEASE TAKE NOTICE that opposition papers, if any, must be served in accordance with Local Rule 6.1(b).

Dated: July 26, 2012

McCARTER & ENGLISH, LLP

/s/Lee Carl Bromberg

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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the above Notice of Motion to Supplement the Record was served on this 26th day of July, 2012 upon counsel of record for Microsoft Corp., SAP AG and SAP America, Inc. via *ECF*.

/s/ Lee Carl Bromberg

Lee Carl Bromberg